

Appl. No. 10/648,956

Dated 03/25/2005

Reply to Office Action of 12/28/2004

REMARKS

This is in response to the Office Action mailed on 12/28/2004. In the Office Action, claims 1-21, 26-31 and 66-74 were rejected; and claims 22-25, 32-65 and 75-105 were allowed. Reconsideration in light of the remarks and amendments made herein is respectfully requested.

Claims 1-21, and 26-93 were previously cancelled without prejudice by preliminary amendment. No further claim has been added or cancelled by this response. Accordingly, claims 22-25 and 94-105 remain pending in this divisional application. Of the pending claims, claims 22, 94, and 100 are independent claims. Applicant believes that no new matter has been added by this response.

I. Allowable Subject Matter

On page 2 of the Office Action, Claims 22-25, 32-65, 75-99, and 100-105 were indicated as being allowed. Applicant respectfully thanks the Examiner for such indication.

However as discussed further below, claims 22-25, and 94-99, and 100-105 are the current pending claims in this divisional application.

Claims 32-65 and 75-93 were cancelled by preliminary amendment in this divisional patent application. It appears that the preliminary amendment may have not been entered.

A copy of the preliminary amendment filed in this divisional application on August 27, 2003 is attached hereto as Appendix 1. A copy of the stamped return receipt postcard that

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indicates the preliminary amendment was filed and received by the USPTO is attached hereto as Appendix 2.

Claims 32-50 and 75-93 were prosecuted in Application No. 10/648,025 and issued as claims 1-19 and 20-38 in U.S. Pat. No. 6,813,407.

Claims 51-65, along with claims 106-118, are currently being prosecuted in Application No. 10/650,543, pending.

Accordingly, Applicant believes that claims 22-25, and 94-99, and 100-105 in this divisional patent application are in condition for allowance.

II. Double Patenting Claim Rejection

Claims 1-21, 26-31 and 66-74 were rejected under the judicially created doctrine of the obviousness-type double patenting in view of claims in United States Patent No. 6,650,803. Applicant respectfully traverses.

Claims 1-36 of United States Patent No. 6,650,803 correspond to claims 1-21, 26-31 and 66-74 of the parent patent application no. 09/704,439.

Claims 1-21, 26-31 and 66-74 of the parent patent application no. 09/704,439 were cancelled by the preliminary amendment filed in this divisional patent application on August 27, 2003. A copy of the preliminary amendment filed in this divisional application on August 27, 2003 is attached hereto as Appendix 1.

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As claims 1-21, 26-31 and 66-74 have been cancelled from this divisional patent application, it is believed that this rejection is moot.

Applicant respectfully requests that this obviousness-type double patenting rejection of claims 1-21, 26-31 and 66-74 be withdrawn.

III. Specification

In the Cross-Reference to Related Applications section, on page 1, line 4, the first paragraph therein has been amended in order to update the status of the parent patent application to which this divisional patent application claims the benefit thereof.

IV. Information Disclosure Statement

Applicant respectfully thanks the Examiner for consideration of the IDS filed on 02/18/2004.

However, Applicant's attorney listed two references with typographical errors.

The Davis reference and the Fatehi et al. reference listed on sheet 6 of the IDS filed on 02/18/2004 have typographical errors in their patent numbers.

The proper reference number for Davis is U.S. Pat. No. 6,061,482.

The proper reference number for Fatehi et al. is U.S. Pat. No. 6,185,021.

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Applicant's attorney apologizes for these mistakes and herewith provides a new Form 1449 with the proper patent numbers attached hereto as Appendix III.

Applicant understands that the Examiner has already considered these references and respectfully requests confirmation of such.

Applicant herewith submits a new IDS listing references cited by the Examiner in the related application 10/650,543 that have yet to be considered in this divisional application.

Applicant respectfully requests consideration of the IDS filed herewith.

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CONCLUSION

In view of the foregoing it is submitted that the claims are in condition for allowance. Reconsideration of the rejections and objections, if any, is respectfully requested. Allowance of the claims at an early date is respectfully solicited.

The Examiner is invited to contact Applicant's undersigned counsel by telephone at (714) 557-3800 should there be any questions or unresolved matters remaining.

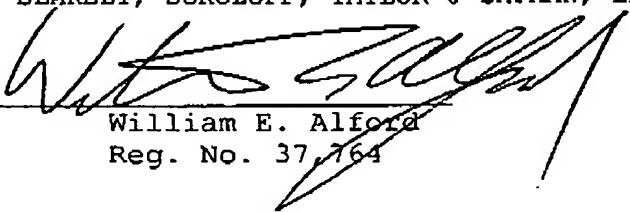
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made.

Please charge any shortage in fees in connection with the filing of this paper to Deposit Account 02-2666 and please credit any excess fees to such deposit account.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Dated: March 25, 2005


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CERTIFICATE OF MAILING

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I hereby certify that this correspondence is being
transmitted via facsimile to Examiner Brian Healy at 703
872-9306 on: March 25, 2005

Pat Sullivan

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Date

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